

Panama Canal Regulations

§ 251.4

(3) Approve qualification standards which will be applied uniformly in effecting all personnel actions. In general, qualification standards issued by the Office of Personnel Management and those developed by individual agencies which are appropriate for general use will be used for this purpose.

(4) Provide technical direction to the Central Examining Office.

(5) Consider requests for conversion to Canal Area Career or Career-Conditional appointments.

(6) Perform such other duties and responsibilities as prescribed by the Secretary of the Army or his designee.

(c) Agencies shall consult with each other concerning any matter of interest within the scope of the Panama Canal Employment System and refer any recommendations for changes to the Panama Area Personnel Board.

(d) *Composition.* The PAPB shall be composed of the Administrator of the Panama Canal Commission, the Commander-in-Chief, United States Southern Command, and one member appointed by the Secretary of the Army who will serve as permanent chairman. The extent to which any member may serve through a representative designated by the member will be determined by the PAPB.

(e) Any member may enter topics on a meeting agenda.

(f) *Records.* The Panama Canal Commission shall have control of the systems of records of the PAPB that are subject to 5 U.S.C. 552 and 552a (the Freedom of Information and Privacy Acts). The regulations in Parts 9 and 10 of this title are adopted as regulations of the PAPB. The Administrator shall act as agency head for the purposes of the Freedom of Information and Privacy Acts.

[47 FR 12952, Mar. 26, 1982, as amended at 49 FR 31070, Aug. 3, 1984; 51 FR 33262, Sept. 19, 1986]

§ 251.4 Adoption of Panama Canal Employment System by Department of Defense.

(a) Subchapter II and the Panama Canal Employment System are hereby made applicable to all employees of all Department of Defense agencies and departments in Panama, except that the positions and incumbents specified

by paragraphs (b) through (i) of this section are excluded, to the extent indicated, from Subchapter II and the regulations in this part and in Part 253.

(b) The following positions, and the incumbents thereof, are excluded from all the provisions of Subchapter II, (except section 1217(d)) and the regulations in this part and Part 253 of this chapter:

(1) Consultants and experts when employed under the provisions of 5 U.S.C. 3109 or other statutory authority.

(2) Any employee excluded by 5 U.S.C. 2105(c) from coverage under laws administered by the Office of Personnel Management, except that Subpart B of this part shall apply to such employees.

(3)-(4) [Reserved]

(5) Positions in the Department of Defense designated as sensitive, key positions, for which off-Isthmus recruitment is necessary, except that the incumbents of these positions are eligible to receive any differential authorized by Subchapter II and the regulations in §§ 251.31 and 251.32 of this part.

(6) Positions of mess attendant which are designated by the commander of the employing military command for occupancy of San Blas (Cuna) Indians pursuant to agreements with the San Blas Tribal Chieftain.

(c) The following positions, and the incumbents thereof, are excluded from the provisions of section 1212 of the Panama Canal Act which provide for merit selection for employment, section 1213 of the said Act and Subparts B and C of the regulations in Part 253 of this chapter:

(1) Attorneys.

(2) Intelligence related positions in the Departments of Defense and Army that are excepted from the competitive service by 5 CFR 213.3106(d)(1), 213.3106(d)(2), and 213.3107(a)(5).

(3) Visiting physicians and nurses of the Health Services Command, U.S. Army Medical Activity, Panama assigned to the home visit program under the Cash Relief Act of July 8, 1937, as amended (50 Stat. 478; 68 Stat. 17), for beneficiaries who reside in the Republic of Panama.

(4) Hospital residents and interns and other student hospital employees.

(5) Positions designated by competent authority as fee-rate positions within the Special Category established by the regulations in this part.

(6) Positions requiring part-time or intermittent services in which the individual appointee will receive during his service year compensation that aggregates not more than 40 percent of the annual salary rate for the first step of grade 3 in the applicable Non-Manual schedule.

(7) Positions designated by the agency as appropriate for use as Student Trainee positions and which are filled under a cooperative work-study agreement between an agency and a college or university approved for participation in such a program by the agency.

(8) [Reserved]

(9) Student assistant positions.

(10) Positions that are filled by mentally retarded or severely physically handicapped persons pursuant to regulations issued by the PAPB. Such regulations shall conform, in substance, to those utilized to authorize appointment of the aforesaid classes of persons in Federal employment in the United States.

(d) Heads of services in hospitals operated by the United States in the Republic of Panama, and the incumbents thereof, are excluded from the provisions of sections 1212 of the Panama Canal Act which provide for merit selection for employment, sections 1212 and 1215 through 1217 of the said Act, Subpart B of the regulations in this part, and Subparts B and C of the regulation in Part 253, except that such positions and incumbents are not excluded from the provisions of section 1217(d) of the Act.

(e) Positions of student assistant, apprentice and learner, and the incumbents thereof, are excluded from the provisions of section 1225(b)(2) of the Panama Canal Act.

(f) Professional educators employed by the Department of Defense Dependent Schools are excluded from all the provisions of Subchapter II and the regulations in this part and Part 253 of this chapter, except that the incumbents of these positions are eligible to receive any differential authorized by Subchapter II and the regulations in §§ 251.31 and 251.32 of this part.

(g) Officers and employees of the National Security Agency appointed and compensated pursuant to the National Security Act of 1959, as amended, 50 U.S.C. 3402, note, are excluded from all provisions of subchapter II and the regulations contained in this part and part 253 of this chapter, except that such positions are not excluded from the provisions of sections 1217, 1217a and 1218 of subchapter II or the regulations in §§ 251.25, 251.31 and 251.32.

(h) Positions at or above GS-6 and equivalent subject to the Civilian Intelligence Personnel Management System (CIPMS) are excluded from all the provisions of subchapter II and the regulations contained in this part and part 253, except that such positions are not excluded from the provisions of sections 1217, 1217a, and 1218 of subchapter II or the regulations in §§ 251.25, 251.31 and 251.32.

(i) Officers and employees of non-Department of Defense (DOD) agencies attached to DOD agencies in Panama are excluded from all the provisions of subchapter II and the regulations contained in this part and part 253 of this chapter, except that such employees may be covered by the provisions of sections 1217, 1217a, and 1218 of subchapter II and the regulations in §§ 251.25, 251.31 and 251.32 of this chapter, if coverage by said provisions is agreed to by the employee's agency and DOD and such coverage does not result in a benefit greater than that provided to DOD employees.

[47 FR 12952, Mar. 26, 1982, as amended at 51 FR 33262, Sept. 19, 1986; 56 FR 1923, Jan. 18, 1991; 56 FR 40555, Aug. 15, 1991; 58 FR 5616, Jan. 22, 1993]

§ 251.5 Compliance with regulations.

Inspection or program evaluation facilities within the higher headquarters of the employing agencies will be utilized for periodic evaluation of operations under the regulations in this part and Part 253 of this chapter. When an evaluation indicates failure on the part of any activity to adhere to the regulations in this part, the Secretary of the Army will bring such deviations to the attention of the head of the agency concerned who will be responsible for taking necessary corrective action. When an evaluation reveals an